

CHAPTER 3

DEFINITIONS

14-3-101 PURPOSE

14-3-102 DEFINITIONS

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Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word building shall include the word structure; the words used or occupied shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word shall is mandatory and not directory and the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word lot includes the words plot or parcel. Words which are not included herein, but are defined in the International Building Code, shall have the meaning as defined within said International Building Code.¹

14-3-102 DEFINITIONS

ACCESSORY USE OR STRUCTURE: A use or structure that: (a) is clearly incidental to and customarily found in connection with a principal building or use; (b) is subordinate to and serves a principal building or use; (c) is subordinate in area, extent, or purpose to the principal building or principal use served; (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and (e) is located on the same lot as the principal building or principal use served.

ACCESSORY IN-LAW APARTMENT²: A self-contained unit within a single-family dwelling to be occupied by a relative or relatives (as defined) of the principal occupant of the dwelling providing common access between units.

AGENT OF OWNER: Any person with written authority to act for the property owner.

AISLE SPACE: The area located between or behind off-street parking stalls where traffic circulation and access to the parking stalls is provided.

ALTERATION: Any change, addition, or modification in construction, or type of occupancy of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.

¹Amended 5/14/2002 Ordinance No. 2002-08

²Amended 11/18/98 Ordinance No. 98-22

AMUSEMENT DEVICE: Any amusement machine or device whether mechanically or electronically operated, by means of the insertion of a coin, token, or similar object, for the purpose of amusement or skill and for the play of which a fee is charged, or a device similar to any such machine or device but which has been manufactured, altered, or modified so that operation is controlled without the insertion of coin, token or similar object. The term does not include coin operated phonographs, ride machines designed primarily for the amusement of children, or vending machines in which are not incorporated features of chance or skill.

APARTMENT: A room or suite of rooms designated and intended for living and sleeping purposes and used as a dwelling unit.

AREA: The aggregate of the maximum horizontal cross section within given boundaries.

ARCADE: Any business catering, though not exclusively, to minors, maintaining four or more amusement devices.

AUTOMOBILE BODY OR FENDER SHOP: A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half ($\frac{1}{2}$) tons capacity.

AUTOMOBILE LAUNDRY OR AUTOMATIC CAR WASH: A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half ($1\frac{1}{2}$) tons capacity.

AUTOMOBILE REPAIR GARAGE: A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half ($1\frac{1}{2}$) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.

AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, transmission service, starter motor or generator service, muffler shop, but not including body or fender work or painting.

AUTOMOBILE SERVICE CENTER: A place where automobiles are serviced and repair work accomplished such as wheel alignment, tune up, brake service, shock absorber replacement, etc., but not including body and fender work, painting or upholstery.

AUTOMOBILE SERVICE STATION: A place where gasoline, or any other motor fuel or lubricating oil or greases for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, but not including automobile repair such as body and fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind, or vehicle or trailer sales or rental. This definition shall include self-service, mini-market and live-in

service as accessory uses.

AUTOMOBILE TIRE SERVICE CENTER: A place which sells, repairs, and services automobile tires including such services as wheel balancing and alignment, brake service, shock absorber replacement and other incidental tire and wheel services, but not including recapping or major automobile repairs.

AUTOMOBILE OR TRUCK PAINT SHOP: A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

AUTOMOBILE OR TRAILER SALES AREA: An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

AUTOMOBILE WRECKING YARD: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

BASEMENT: Any floor level below the first story in a building, except that a floor level in a building have only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

BED AND BREAKFAST INN: (See Hotel)

BEDROOM: A room in a dwelling unit designed, marketed and likely to function primarily for sleeping purposes, separable from other rooms by a door.

BEGINNING OF CONSTRUCTION: The time of first excavation for construction.

BLOCK FACE: All property fronting upon one side of a street between intersecting and intercepting streets, or between the street and the railroad right-of-way, waterway, terminus of a dead end street, City Boundary, public park or other natural boundary. An intercepting street shall determine only the boundary of the block face of the side of the street which it intercepts.

BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided, except that land with an average grade or slope exceeding thirty percent (30%) shall not be considered buildable area.

BUILDING:³ (a) A permanently located structure for the shelter, housing, or enclosure of any person, animal, article or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building. The term building shall not include any form of vehicle, even though immobilized. Where this Chapter requires, or where special authority granted pursuant to this Chapter requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding and enclosed on all sides. (b) The act of altering an existing structure or existing terrain. It includes excavating, modifying, or in any way altering unimproved ground for any purposes.

BUILDING, ATTACHED: A building or buildings connected by any two of the following: a common wall, a continuous wall, a continuous foundation, or a continuous roof line. Walls or fences, patios, porches, terraces or other roofed accessory uses open on at least two (2) sides shall not constitute an attached building.

BUILDING, HEIGHT OF: The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean level between eaves and ridge for gable, hip or gambrel roofs. *(See Figures 3-1 and 3-2 at the end of this chapter)*

BUILDING LINE: A line parallel to the front lot line and at a distance therefrom equal to the required depth of front yard for the zone in which the lot is located and extending across the whole width of the lot.

BUILDING, PRINCIPAL OR MAIN: The principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this Ordinance shall be construed as constituting a principal building.

BUILDING, PUBLIC: A building owned and operated, or owned and intended to be operated by any subdivision of the Federal, State or local governments.

CANOPY: A roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building and support extending to the ground directly under the canopy.

CARPORT: A covered automobile parking space enclosed on not more than two sides by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

CENTER LINE OF STREET: That line designated as Center Line in any street in the City by the records of the City Engineer.

³Amended 6/26/1001 Ordinance No. 2001-10

CHURCH: A building or buildings maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

CITY COUNCIL: The duly elected City Council of Bountiful City.

CLINIC, DENTAL OR MEDICAL: A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory, operating rooms, and a pharmacy, but it shall not include in-patient care.

COMMERCIAL STORAGE FACILITY: A building or facility having one or more tenants used strictly for the storage of personal and/or commercial items. Said facility may not include sanitation facilities or culinary water. No repair, business, service, or commerce may be conducted on or from the premises.

CONDITIONAL USE: A use of land for which a Conditional Use Permit is required pursuant to this Ordinance.

CONDOMINIUM: A residential structure consisting of two (2) or more units, each under individual ownership, subject to Section 57-8-1, Utah Code Annotate, 1953, as amended.

CONTRACTOR'S LOT: A fenced, landscaped, illuminated open area used to store, repair or rebuild heavy duty construction equipment and construction material.

COURT: A space, open and unobstructed to the sky, located at or above ground level on a lot and bounded on three or more sides by walls or a building.

COVENANT: A written agreement between the Buyer and Seller of a parcel of land, or between Bountiful City and a property owner, to protect the interest of the neighborhood and the community.

COVERAGE, LOT: The percent of the total lot area covered by buildings, structures and roofed areas.

DAY CARE, CHILD: Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision, (regardless of educational emphasis) to children under fourteen years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child day care.

DAY CARE CENTERS (COMMERCIAL): Persons, associations, institutions or agencies, which provide day care for thirteen (13) or more children and/or educational opportunities for children for periods of more than four (4) hours in any one day.

DOMESTIC EMPLOYEE OR HELP⁴: a person who lives as part of the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefor, working within or around the house where they live performing household, maintenance, child care or similar duties in behalf of the family owning said house. No person and no family member of any person who pays rent for themselves or their family shall be deemed the domestic employee or help of the person to whom such rent is paid. In single family residential zones, separate apartments or dwelling units may not be created for domestic employees, whether attached, unattached, or within the single family residence structure. In multiple family residential zones, any separate apartment or dwelling unit for domestic employees must meet all of the requirements applicable to any other dwelling unit in the zone.

DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

DWELLING: Any building or portion thereof designated or used exclusively for residential purposes, except tents, travel trailers, hotels, motels, hospitals, nursing homes, and boarding houses.

DWELLING, SINGLE FAMILY: A building arranged, designed, and intended to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING, TWO-FAMILY: A building arranged, designed, and intended to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING, MULTIPLE FAMILY: A building arranged, designed, and intended to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.

DWELLING, UNIT: One or more rooms in a dwelling, apartment, hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1), but not more than one (1) kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, and/or a group of not more than three (3) persons (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities and entrances.

FENCE, SOLID: A solid, rigid fence or wall of wood, metal, fiberglass or masonry, being no more than ten percent (10%) open.

FLOOR AREA: The sum of the areas of one or several floors of a building, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior face of walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the principal building intended and designed for the parking of

⁴Amended 4/5/2000 Ordinance No. 2000-02

motor vehicles in order to meet the parking requirements of this Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building, designed and/or used primarily for the shelter or storage of vehicles owned and/or operated by the occupants of the principal building, and in which no business for profit is conducted.

GARAGE, PUBLIC: Any premises, except those described as private garages, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation repairs, or kept for remuneration, hire or sale.

GARAGE, REPAIR: A structure or portion thereof other than a private garage, use for the repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by Conditional Use Permit. A repair garage may also include incidental storage, care, washing, or sale of automobiles.

GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk measured as follows:

- A. For buildings abutting one street only, the elevation of the sidewalk at the center of that wall abutting the street.
- B. For buildings abutting more than one street, the average of elevations of the sidewalk at the centers of all walls abutting streets.
- C. For buildings having no walls abutting a street, the average level of the ground adjacent to the exterior walls of the building measured at a line parallel to the wall five (5) feet from the wall.

GUEST: Any person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.

HARD SURFACE: A dust-free paved surface of any of the following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable substitutes as determined by the City Engineer.

HISTORIC BUILDINGS: Any building listed on the Nation Register of Historic Places, or on the Utah State Register of Historic Sites.

HOME OCCUPATION: Any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling unit, and for which a home occupation business license has been issued by Bountiful City.

HOSPITAL: An institution providing qualified health, medical and surgical staff and related personnel services for the diagnosis, treatment and recovery care of persons suffering from disease or injury, primarily on an inpatient basis. A hospital may include integral support service facilities.

HOTEL (INCLUDES MOTELS AND BED AND BREAKFAST): A building designed or used as the temporary abiding place of individuals who are lodged, with or without meals, for compensation.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and/or kept for company or pleasure, not for profit. Household pets shall not include chickens, ducks or geese or other domestic farm variety animals nor any animals which are capable of inflicting harm or discomfort or endangering the health, safety, or welfare of any person or property. The number of household pets shall be limited to that allowed by the provisions of each respective zone as set forth in this Ordinance.

JUNK: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

KENNEL: A place where three (3) or more dogs of four (4) months of age or older are kept.

KITCHEN: Any room and/or other place used, or intended or designed to be used for cooking for the preparation of food.

LANDSCAPING:⁵ The addition of lawns, trees, plants, and other natural decorative features to land.

LOT: A parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a recorded subdivision; or a parcel of real property defined by metes and bounds, containing not less than the minimum area and width required in the zone in which it is located. *(See Figure 3-4)*

LOT AREA: The total area measured on a horizontal plane included within the lot line of the lot or parcel of land.

LOT, CORNER: A lot situated at the intersection of two streets; or a lot located on a street which does not continue in a straight line and where the angle of departure from the straight line exceeds forty-five (45) degrees. *(See Figure 3-4)*

LOT, DEPTH: The horizontal distance between the front and the rear lot lines measured in the mean direction of the side lot lines. *(See Figure 3-4)*

⁵Amended 11/15/95 Ordinance No. 95-23

LOT, FLAG:⁶ A lot shaped in such a manner as to resemble a flag on a pole where access from the main portion of the lot (the flag) to the public street is by a narrow private right-of-way (the pole). *(See Figure 3-4)*

LOT, FRONTAGE: Lot width measured at the required front setback line. When a lot has more than one street lot line, lot frontage shall be measured, and the minimum frontage required by this Ordinance shall be provided, at each such line. *(See Figure 3-4)*

LOT, INTERIOR: A lot other than a corner lot. *(See Figure 3-4)*

LOT LINE, FRONT: A line separating an interior lot from a street. For corner lots, the lot owner may elect any street lot line as the front lot line unless otherwise established by a plat or covenant. *(See Figure 3-3)*

LOT LINE, REAR: The line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular or gore-shaped lot, it shall be a straight line ten (10) feet in length which is parallel to the front lot line or its chord and intercepts the two side lot line at points most distant from the front lot line. *(See Figure 3-3)*

LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line. *(See Figure 3-3)*

LOT, STORAGE: A hard surfaced, dust free, landscaped open area, not a street, used to store new or used (not damaged or dismantled), machinery, tools, boats, motor vehicles or trailers, and building materials.

LOT, SUBSTANDARD: A lot or parcel that has less than the required minimum area or width as established by the district in which it is located and provided that such lot or parcel was legally recorded in a deed or plat on the effective date of this Ordinance.

LOT, WIDTH: The horizontal distance between the side lot lines and measured at the required front yard setback line. *(See Figure 3-3)*

MOBILE HOME: A vehicular, portable structure built on a chassis and intended to be drawn by a motor vehicle, designed to be used with or without a permanent foundation when connected to utilities and which meets the Department of Housing and Urban Development (HUD) Federal construction and safety standards for mobile homes and is used for permanent or semi-permanent housing or human occupancy, or as an office, a classroom, a laboratory or for processing, manufacturing, retail sales.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes occupied

⁶Amended 4/16/97 Ordinance No. 97-7

for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.

MODULAR HOME: A home or other building of new construction which has been assembled fully or in substantial part, upon another site or in a factory and moved to the site where it is to be placed upon a permanent foundation in compliance with the provisions of the International⁷ Building Code.

MOTOR HOME: A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, which are natural drainage channels, as determined by the City Engineer.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure, or portion thereof, lawfully existing at the time this Ordinance became effective, which does not now conform to all the height, area, and yard regulations herein prescribed in the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this Ordinance became effective and which does not now conform with the use regulations of the district in which it is located.

OFFICES: A building, room or department wherein a business or service for others is transacted, but does not include the storage or sale of merchandise on the premises.

OPEN SPACE, REQUIRED: The area reserved in parks, courts, playgrounds, swimming pools, and other similar open areas to meet the density requirements of Planned Unit Development or bonus increases in density.

OPEN SPACE, USABLE: Any portion of a lot or building which meets all the following conditions:

- A. The space shall be open to the sky or shall be open to view on at least two sides.
- B. The space shall be readily accessible by foot traffic from dwelling units to which it is accessory.
- C. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the Building Official to assure reasonable safe usage by children and/or adults.
- D. The space shall not be provided in any required front or side yard, parking area, or driveway space.

⁷Amended 5/14/2002 Ordinance No. 2002-08

OUTDOOR DISPLAY:⁸ An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, or product for sale.

PACKAGE AGENCY (STATE LIQUOR STORE): Any outlet authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.

PARKING LOT: A hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more automobiles. Storage of damaged, noninspected or unlicensed automobiles is prohibited except on lots approved for such purposes.

PARKING SPACE: A permanently surfaced area, enclosed or unenclosed for the parking of one (1) motor vehicle having dimensions of not less than nine (9) feet by eighteen (18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as temporary storage space for one private motor vehicle.

PARK STRIP: That part of public property which lies between the curb and sidewalk.

PERMITTED USE: A use or occupancy of a building or a use of land which is allowed in the respective districts in this Ordinance without specific approval of the Planning Commission but which complies with provisions of the district in which the use is to be conducted.

PERSON: A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

PLANNING COMMISSION: The Planning Commission of the City of Bountiful as duly appointed by the provisions of State law and this Ordinance.

PRESCHOOL: An educational facility operated on a residential premises, regularly providing an educational program of instruction for not more than twelve (12) children, including the operator's natural, adopted, or foster children under six years of age, at any one time. Class shall include not more than twelve (12) children for more than four (4) hours a day and shall be operated between the hours of eight (8) a.m. and six (6) p.m.. Instructors shall be licensed by the State of Utah and provide at least thirty-five (35) square feet of interior floor area and at least one hundred (100) square feet of secured outdoor play area per child. Such use shall be defined as a home occupation,

⁸Amended 1/22/2002 Ordinance No. 2002-02

conditional use for purposes of this Ordinance and be in compliance with all city codes and regulations of such.

PRIVATE SATELLITE ANTENNA: Any accessory structure capable of receiving for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

PUBLIC: That which is under the ownership or control of the United States Government, the State of Utah or any subdivision thereof, Davis County, or the City of Bountiful (or any departments or agencies thereof).

RECREATIONAL VEHICLE PARK: Any area where one or more travel trailer lots are rented for a relatively short term of occupancy to users of such items as travel trailers, tents, motor homes, etc..

RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS: A single family or multiple family dwelling that meets the requirements of Sections 10-9-601 through 604, Utah Code Annotated, 1953, as amended, and the provisions of this Ordinance.

RESIDENTIAL FACILITY FOR THE ELDERLY: A single family or multiple family dwelling that meets the requirements of Sections 10-9-501 through 504, Utah Code Annotated, 1953, as amended, and the provision of this Ordinance.

RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials.

RETIREMENT FACILITY: A facility designed for permanent residents who are ambulatory and require no nursing care for healthy retirement age singles and couples. These facilities are not intended to provide for any in-patient care of human illness or infirmity. These facilities customarily provide recreational, educational support services, and lifestyle amenities on site for the convenience of the occupants. These facilities will be designed with a strong architectural residential character when located in residential areas. These uses generally provide their own transportation system to provide regularly scheduled service to health care facilities, shopping, church, etc.. For purposes of determining density, every three (3) beds shall constitute one (1) unit.

SETBACK: The shortest horizontal distance between the property line of a lot and the structure or part thereof.

SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences or other features of existing or proposed construction or land use.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished

floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.

STORY, FIRST: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

STREET: A publicly dedicated thoroughfare which affords principal means of access to abutting property. The term shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

STREET, ARTERIAL - MAJOR AND MINOR: A street providing for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use.

STREET, COLLECTOR - MAJOR AND MINOR: A street providing for traffic movement between major arterials and local streets, and direct access to abutting property.

STREET, LOCAL: A street providing for direct access to abutting land, and for local traffic movements.

STREET, PRIVATE: A thoroughfare which is designated for private travel and is in private or public agency ownership over which access is legally denied to the public.

STREET, PUBLIC: A thoroughfare which is in public ownership and designated for public travel.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition.

STRUCTURAL ALTERATION: Any change, addition, or modification in construction of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.

SWIMMING POOL:⁹ A water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, which is designed for swimming, wading or bathing. Hot tubs with hard covers and a capacity of less than one thousand (1,000) gallons are not included in this definition.

⁹Amended 8/23/95 Ordinance 95-19

TRAVEL TRAILER: A vehicle, other than a motor vehicle, which is designed or used for temporary human occupancy and for travel or recreational purposes.

USE: The purpose for which a parcel or building is designed, arranged or intended or for which it is occupied or maintained.

USE, PRINCIPAL: The principal use of land or structures, as distinguished from a secondary or accessory use.

VARIANCE: A minor variation in the required terms of this Ordinance, as permitted by the Board of Adjustment where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Use variances are not permitted under the terms of this Ordinance or under Utah State law.

VICINITY PLAN: A map or drawing, to scale, showing the physical layout of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all adjacent land.

YARD: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

YARD, FRONT¹⁰: A space in the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area from the front of the building to the property line shall also be considered a Front Yard.

YARD, REAR¹¹: A space in the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The depth of the rear yard is the minimum distance between the rear lot line and the closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area from the back of the building to the property line shall also be considered a Rear Yard.

YARD, SIDE¹²: A space in the same lot with a building, between the side lot line of the building and the side lot line and extending from the front yard to the rear yard. The width of the side yard

¹⁰ Amended 3/23/04, Ordinance No. 2004-03

¹¹ Amended 3/23/04, Ordinance No. 2004-03

¹² Amended 3/23/04, Ordinance No. 2004-03

shall be the minimum distance between the side lot line and the closest point of the building.
In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area adjacent to the ends/sides of the building do not become the Side Yard.

ZERO LOT LINE DEVELOPMENT: Single family dwellings arranged on lots with one side wall of the building located on the property line.



